

HONORABLE TIFFANY M. CARTWRIGHT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JUSTIN FRANKS,

Plaintiff,

v.

THE NIELSEN COMPANY (US), LLC;
GRACENOTE, INC.; JOHN DOES 1-10,

Defendants.

No. 3:23-cv-06150

**STIPULATED MOTION FOR
PLAINTIFF TO FILE SECOND
AMENDED COMPLAINT AND FOR
DEFENDANT TO EXTEND DEADLINE
TO FILE RESPONSIVE PLEADING**

NOTED ON MOTION CALENDAR:
March 28, 2024

STIPULATION

The parties to this action, by and through their undersigned counsel, respectfully submit this joint motion as follows: On March 8, 2024, Plaintiff filed his First Amended Complaint ("FAC").

1. On March 20, 2024, the Court granted Defendants' motion to extend their responsive pleading deadline from March 22, 2024, to March 29, 2024.

2. In both his original Complaint and First Amended Complaint, Plaintiff informed the Court and Defendants that: "Plaintiff has filed a charge of discrimination with the Equal Employment Opportunity Commission. Plaintiff will amend this Complaint to add

Title VII claims once he has received his Right to Sue.” Dkt. 15 at 15; *see* Dkt. 1 at 14. On March 20, 2024—before Defendants’ response to the First Amended Complaint was Due—the Equal Employment Opportunity Commission granted Plaintiff a Right to Sue.

3. Thereafter, Plaintiff’s counsel informed Defendants’ counsel that Plaintiff intends to seek leave to file a Second Amended Complaint for the purpose of adding exhausted Title VII claims. The parties conferred and Defendants consent to Plaintiff amending the Complaint to add said claims. Pursuant to Local Rule 15, a redline version of the Second Amended Complaint is appended hereto.

4. Any responsive pleading Defendants would file on March 29 likely would be mooted or would need to be amended in light of the Second Amended Complaint. In order to avoid the time and expense associated with such a filing, Defendants respectfully request that this Court extend the March 29 deadline to (i) twenty-one (21) days following the Court’s grant of Plaintiff’s motion or (ii) seven (7) days following the Court’s denial of Plaintiff’s motion. The parties conferred and Plaintiff consents to Defendants’ request for extension.

Respectfully submitted this 28th day of March 2024:

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ORDER

THIS MATTER having come before the Court on the agreed motion of the parties, the Court GRANTS Plaintiff leave to file his Second Amended Complaint to add his exhausted Title VII claims and to extend the March 29 deadline to (i) twenty-one (21) days following the Court's grant of Plaintiff's motion or (ii) seven (7) days following the Court's denial of Plaintiff motion. Defendants and Plaintiff met and conferred and jointly agree to this motion.

IT IS SO ORDERED.

DATED this 29th day of March, 2024.



Tiffany M. Cartwright
United States District Judge

Presented by:

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